

## REMARKS

Applicant thanks the Patent Office for the careful attention accorded this Application and respectfully request reconsideration in view of the Amendment above and remarks set forth below.

In response to the Office Action mailed August 28, 2006, Applicant has canceled Claims 418-460 without prejudice or disclaimer and have added rewritten claims 461-496 for further prosecution on the merits. Applicant reserves the right to pursue protection on the canceled claims in one or more Continuation Applications.

As rewritten, Claims 461-496 are directed to a novel Web-based consumer product marketing and merchandising communication network for allowing members of a consumer product management team to communicate directly with consumers at E-Commerce (EC) enabled market spaces along the World Wide Web (WWW), including EC-enabled WWW-sites, EC-enabled stores and EC-enabled online product catalogs, --- using Web-based server-side driven, Multi-Mode Virtual Kiosks (MMVKs) that can be rapidly generated by the product management team for each consumer product registered on the network.

As recited in independent claims 461, 473 and 485, each MMVK is implemented by (i) a computer-executable server-side component stored on a first Internet-enabled information server operably connected to the WWW, and (ii) a MMVK tag that references the computer-executable server-side component and is embeddable within an HTML-encoded document. Particular aspects of this bifurcated method are covered in Applicant's prior US Patent Nos. 6,625,581 and 6,961,712, and schematically depicted in great detail in Figs. 4E2 through 4F2 of the present Specification.

As recited in independent claims 461, 473 and 485, each MMVK, when generated by the first Internet-enabled information server, has a graphical user interface (GUI) characterized by a plurality of independently programmable display modes selectable by the consumer, from the group consisting of (i) an advertising display mode for displaying one or more advertising spots,

(ii) a promotional display mode for displaying one or more promotional spots, and (iii) a consumer product information (CPI) display mode for displaying a set of consumer product information resources arranged for selection by the consumer, using a Web browser.

As recited in independent claims 461, 473 and 485, these different display modes supported by each MMVK are independently programmable by different Web-based subsystems.

As recited in independent claims 461, 473 and 485, the Web-based network includes a plurality of e-commerce enabled information servers supporting a plurality of EC-enabled market spaces selected from the group consisting of EC-enabled WWW-sites, EC-enabled stores and EC-enabled online product catalogs. Each of these EC-enabled marketspaces includes a plurality of HTML-encoded pages containing images and/or text-descriptions of consumer products which are offered for sale through the EC-enabled market spaces and registered with the Web-based network of the claimed invention.

As recited in independent claims 461, 473 and 485, the Web-based network further includes a plurality of Web-based information servers which are operably connected to the WWW, for storing and serving advertising spots, promotional spots and CPI resources to the Web browser, for display to the consumer through the plurality of independently programmable display modes of each MMVK.

Such features allow product management teams to exercise a high degree of control over their product brand information EC-enabled markets on the WWW (e.g. at EC-enabled WWW-sites, EC-enabled stores and EC-enabled online product catalogs), regardless of where such consumer product information resources may actually reside at locations (specified by URLs) on the WWW (e.g. stored on and served from global content delivery networks or CDNs, and Web-enabled content management /publishing systems).

Also, upon the Web-browser of the consumer encountering a MMVK tag in an HTML-encoded page, the computer-executable server-side component corresponding to the MMVK tag is automatically executed and the corresponding MMVK is generated from the first Internet-

enabled information server and served to the Web browser for display and review by the consumer, at the EC-enabled market space.

This novel system architecture of the Web-based network of the present invention has a number of important benefits and advantages.

In particular, any branded consumer product manufacturer (and its retail trading partners) can now quickly create, deploy and manage MMVKs for each and every product in the its supply-chain management system, and simply install and manage these MMVKs across all of its Web-based marketing and merchandising channels, at EC-enabled market space along the WWW, including EC-enabled WWW-sites, EC-enabled stores and EC-enabled online product catalogs.

Once a network of MMVKs have been installed at multiple EC-enabled market spaces within the Web-based network of the claimed invention, the product management team members associated with the MMVKs can deliver high-impact brand experiences, self-service and value to consumers (e.g. via short rich media ads and promos and product demos and related brand information), providing the manufacturer with a voice at the online point of sale, while helping retailers build their brand, satisfy consumers, and drive sales.

A manufacturer's entire consumer product catalog can be quickly registered on the Web-based network of the present invention, and a MMVK automatically generated for each registered product in just minutes.

Each MMVK on the Web-based network of the claimed invention has three independent modes of information display, and these independent display modes can be easily programmed by different members of the brand management team (e.g. product information managers, advertising agencies, and promotional agencies) who typically have different responsibilities within a brand management enterprise.

MMVKs deployed on the Web-based network of the claimed invention can function as

virtual product showcases that allow manufacturers to deliver consistent product merchandising and service to consumers at different touchpoints along EC-enabled market space on the WWW.

MMVKs deployed on the Web-based network of the claimed invention can also function as turnkey e-commerce stores to support e-commerce transactions along EC-enabled market space on the WWW.

Many other benefits of the network and MMVK technology of the present invention will become apparent in view of the present Specification.

Clear detailed support for the claimed invention can be found in Figs. 2C2, 2C3, 4E1-4F2, 9A, 10A1-10A2, 11, 13, 15A-15MM, 16-21C, 41, 42A-42C and 43, and at corresponding portions of the present Specification.

Applicant has carefully reviewed the prior art references, including US Patent Nos. US Patent No. 6,591,247 to Stern and US Patent No. 6,542,933 to Durst et al, and firmly believes, that when taken alone or in combination with each other, the prior art as a whole fails to disclose, teach or suggest the present invention defined by the rewritten claims.

US Patent No. 6,591,247 to Stern discloses an IP based digital content distribution network where batteries of digital content (e.g. product information and advertisements) are combined together in a single distribution file (e.g. .big format) at a centralized database server (i.e. NMC database 252c, Database files 352 and Builder 350) and then delivered to remote sites (e.g. physical retail kiosks, "wall of eyes" television sets etc) in physical retail stores, in either an interactive or non-interactive manner, on a per product basis. As disclosed, the interactive delivery method may be initiated by the consumer scanning a UPC code on a product of interest, in a brick and mortar store.

However, the '247 Stern network is limited and constrained to use in physical retail stores, and is unsuitable for use in the EC-enabled market space on the WWW, such as at EC-enabled WWW-sites, EC-enabled stores and EC-enabled online product catalogs, for which the

claimed network has been invented.

US Patent No. 6,542,933 to Durst et al, discloses a way of implementing the general method of delivering consumer product information on the Internet to a user's Web browser by providing the consumer product's UPC number to a UPC/URL database server constructed in accordance with US Patent No. 5,978,773 to Hudetz et al. As shown in Fig. 2 and described in Col. 5, at lines 65-68, and in Cols. 6, 7 and 8 of US Patent No. 6,542,933, Durst's preferred method of providing access to web pages (via information server 50) is based on HTTP redirection using a linkage client 22 and a web browser 24 [Col. 7, lines 5-23, and Col. 19, lines 20-22] As disclosed, this preferred method involves generating a special linkage code symbol 10 (e.g. native linkage code, data string, UPC, vanity code) that must be first registered with the network, and contains data elements that references a file location index (pointing to information file or content). Using linkage client 22 and a web browser 24, the client computer 20 communicates with the information server 50 so that the file location index (referenced by the linkage code) is resolved by information server 50 into a computer file location (URL) associated with an information file stored on web-based content server 30. As disclosed in Column 6, at lines 47-49, the information server 50 may be implemented as a CGI program or as a Java servlet.

Similarly, Durst's networked system is limited to accessing and displaying Internet-based information resources using conventional Web browser clients, linkage clients, and linkage codes that have been registered with the networked system and applied to physical objects.

Moreover, in the Durst '933 reference, there is not even a hint at providing a Web-based consumer product marketing and merchandising communication network, supporting server-side driven MMVKs having independently programmable display modes for displaying ad spots, promo spots, and consumer product information menus, at EC-enabled market spaces, under the management and control of consumer product marketing team members, as claimed.

And while Durst discloses using a CGI program or a Java servlet to implement its information server 50, Durst's information server 50 and its entire network fails to disclose, teach or suggest the novel marketing and merchandising communication services and functions supported by the Web based marketing and merchandising communication network, defined by the rewritten claims.

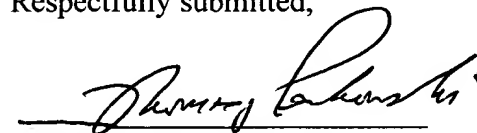
Furthermore, even when combining the disclosures of Stern and Durst, the Web-based consumer product marketing and merchandising communication network of the claimed invention is just not provided, nor suggested.

In view therefore, of the Amendment and Remarks set forth above, Applicant firmly believes that the present invention defined by rewritten Claims 461-496 is firmly believed to be neither anticipated by, nor rendered obvious in view of the prior art of record, and that the present application is now in condition for allowance.

A total of three (3) independent claims and thirty six (36) claims in all, remain after amendment. Applicant previously paid for three (3) independent claims and forty three (43) claim in all, and believe that no further claims fees are due at this time. However, if the Commissioner deems it necessary, he is hereby authorized to charge any fee deficiencies to Deposit Account 16-1340. Applicant still qualifies as a small entity status in the USPTO.

Respectfully submitted,

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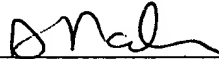
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